

JUN 03 2004

**OFFICE OF PETITIONS**

Dkt. 57906-B/JPW/AJD

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: William C. Olson and Paul J. Maddon  
Serial No.: 09/594,983 Examiner: Shanon A. Foley  
Filed: June 15, 2000 Group Art Unit: 1648  
For: SYNERGISTIC INHIBITION OF HIV-1 FUSION AND  
ATTACHMENT, COMPOSITIONS AND ANTIBODIES THERETO

**Date of Notice**

**of Allowance: September 23, 2003 Confirmation No.: 8686**

**Issue Fee Paid: December 22, 2003**

1185 Avenue of the Americas  
New York, New York 1003  
June 2, 2004

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**COMMUNICATION AND  
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Applicants paid the issue fee for above-identified U.S. Serial No. 09/594,983 on December 22, 2003. In a Petition For Withdrawal From Issue Under 37 C.F.R. §1.313(c)(2) being filed concurrently herewith, applicants petition that U.S. Serial No. 09/594,983 be withdrawn from issue under 37 C.F.R. §1.313(c)(2) for consideration of a Request for Continued Examination ("RCE") in compliance with 37 C.F.R. §1.114 so that the references submitted with the Supplemental Information Disclosure Statement incorporated herein may be considered by the Patent Office.

**Supplemental Information Disclosure Statement**

Applicants are filing this Supplemental Information Disclosure Statement to supplement the Information Disclosure Statements filed on September 7, 2000, June 14, 2001, June 3, 2003 and September 3, 2003 in connection with the subject application.

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In accordance with their duty of disclosure under 37 C.F.R. §1.56 and pursuant to 37 C.F.R. §1.97(b)(4), applicants direct the Examiner's attention to the following references which are listed on the attached Form PTO-1449 (**Exhibit B**), and attached hereto as **Exhibits 1-36**:

1. U.S. Patent No. 6,107,019, issued August 22, 2000 to G.P. Allaway et al. (**Exhibit 1**);
2. U.S. Patent No. 6,344,545 B1, issued February 5, 2002 to G.P. Allaway et al. (**Exhibit 2**);
3. U.S. Patent No. 6,548,636 B2, issued April 15, 2003 to T. Dragic and W.C. Olson (**Exhibit 3**);
4. Pending claims in G.P. Allaway et al., U.S. Serial No. 09/888,938, filed June 25, 2001 (**Exhibit 4**);
5. Allowed claims in T. Dragic and W.C. Olson, U.S. Serial No. 10/323,314, filed December 19, 2002 (**Exhibit 5**);
6. G.P. Allaway et al., U.S. Serial No. 08/627,684, filed April 2, 1996 (now abandoned) (**Exhibit 6**);
7. G.P. Allaway et al., U.S. Provisional Application No. 60/014,532, filed April 2, 1996;
8. G.P. Allaway et al., U.S. Serial No. 08/663,616, filed June 14, 1996 (now abandoned) (**Exhibit 7**);
9. G.P. Allaway et al., U.S. Provisional Application No. 60/019,715, filed June 14, 1996;

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10. G.P. Allaway et al., U.S. Serial No. 08/673,682, filed June 25, 1996 (now abandoned) (**Exhibit 8**);
11. G.P. Allaway et al., U.S. Serial No. 08/665,090, filed June 14, 1996 (now abandoned) (**Exhibit 9**);
12. G.P. Allaway et al., U.S. Provisional Application No. 60/019,941, filed June 14, 1996;
13. G.P. Allaway et al., U.S. Serial No. 08/874,570, filed June 13, 1997 (now abandoned) (**Exhibit 10**);
14. G.P. Allaway et al., U.S. Serial No. 08/874,618, filed June 13, 1997 (now abandoned) (**Exhibit 11**);
15. Pending claims in G.P. Allaway et al., U.S. Serial No. 09/724,105, filed November 28, 2000 (**Exhibit 12**);
16. Pending claims in G.P. Allaway et al., U.S. Serial No. 09/852,238, filed May 9, 2001 (published May 6, 2004 as U.S. Patent Application Publication No. 2004/0086528 A1) (**Exhibit 13**);
17. W.C. Olson and P.J. Maddon, U.S. Serial No. 09/212,793, filed December 16, 1998 (now abandoned);
18. W.C. Olson and P.J. Maddon, U.S. Provisional Application No. 60/112,532, filed December 16, 1998;
19. W.C. Olson and P.J. Maddon, U.S. Serial No. 09/464,902, filed December 16, 1999 (**Exhibit 14**);
20. W.C. Olson et al., U.S. Serial No. 09/663,219, filed

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September 15, 2000 (**Exhibit 15**);

21. W.C. Olson et al., U.S. Provisional Application No. 60/266,738, filed February 6, 2001 (**Exhibit 16**);
22. W.C. Olson and P.J. Maddon, U.S. Patent Application Publication No. 2002/0146415 A1, published October 10, 2002 (**Exhibit 17**);
23. W.C. Olson and P.J. Maddon, U.S. Provisional Application No. 60/282,380, filed April 6, 2001 (**Exhibit 18**);
24. W.C. Olson et al., U.S. Patent Application Publication No. 2002/0106374 A1, published August 8, 2002 (**Exhibit 19**);
25. W.C. Olson and P.J. Maddon, U.S. Serial No. 10/081,128, filed February 22, 2002 (now abandoned) (**Exhibit 20**);
26. W.C. Olson and P.J. Maddon, U.S. Provisional Application No. 60/358,886, filed February 22, 2002;
27. William C. Olson and Paul J. Maddon, U.S. Publication No. 2003/0044411 A1, published March 6, 2003 (**Exhibit 21**);
28. T. Dragic and W.C. Olson, U.S. Patent Application Publication No. 2003/0092632 A1, published May 15, 2003 (**Exhibit 22**);
29. W.C. Olson et al., U.S. Patent Application Publication No. 2003/0228306 A1, published December 11, 2003 (**Exhibit 23**);
30. Pending claims in W.C. Olson and P.J. Maddon, U.S. Serial No. 10/763,545, filed January 23, 2004 (**Exhibit 24**);

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31. Pending claims in G.P. Allaway et al., U.S. Serial No. 09/460,216, filed December 13, 1999 (**Exhibit 25**);
32. PCT International Application Publication No. WO 96/41020, published December 19, 1996 (**Exhibit 26**);
33. PCT International Application Publication No. WO 97/26009, published July 24, 1997 (**Exhibit 27**);
34. PCT International Application Publication No. WO 97/37005, published October 27, 1997 (**Exhibit 28**);
35. PCT International Application Publication No. WO 97/47319, published January 7, 1998 (**Exhibit 29**);
36. PCT International Application Publication No. WO 98/56421, published December 17, 1998 (**Exhibit 30**);
37. PCT International Application Publication No. WO 00/35409, published June 22, 2000 (**Exhibit 31**);
38. PCT International Application Publication No. WO 01/64710, published September 7, 2001 (**Exhibit 32**);
39. PCT International Application Publication No. WO 02/22077, published March 21, 2002 (**Exhibit 33**);
40. PCT International Application Publication No. WO 02/068608, published September 6, 2002 (**Exhibit 34**);
41. PCT International Application Publication No. WO 02/083172, published October 24, 2002 (**Exhibit 35**); and

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42. PCT International Application Publication No. WO 03/072766,  
published September 4, 2003 (**Exhibit 36**).

The Examiner is respectfully requested to make these references  
of record in the present application by initialing and returning  
a copy of the enclosed Form PTO 1449.

37 C.F.R. §1.98(a)(2)(iii) provides that an Information  
Disclosure Statement shall include, for each cited pending U.S.  
application, a legible copy of the application specification  
including the claims and any drawing of the application, or that  
portion of the application which caused it to be listed including  
any claims directed to that portion. Under 37 C.F.R. §1.98(c),  
when the disclosures of two or more patents or publications  
listed in an Information Disclosure Statement are substantively  
cumulative, a copy of one of the patents or publications may be  
submitted without copies of the other patents or publications,  
provided it is stated that these other patents or publications  
are cumulative. In accordance with 37 C.F.R. §1.98(c), copies of  
certain of the references listed above are not being submitted  
herewith as they are cumulative.

Specifically, U.S. Serial No. 09/888,938, filed June 25, 2001, is  
a continuation of U.S. Serial No. 10/831,823, filed April 2,  
1997, which issued as U.S. Patent No. 6,344,545 B1 (reference 2).  
Therefore, a copy of U.S. Serial No. 09/888,938 is not attached  
hereto. However, in accordance with 37 C.F.R. §1.98(a)(2)(iii),  
a copy of the claims pending in U.S. Serial No. 09/888,938 is  
attached hereto as Exhibit 4.

U.S. Serial No. 10/323,314, filed December 19, 2002 is a  
continuation of U.S. Serial No. 09/796,202, filed February 28,  
2001, which issued as U.S. Patent No. 6,548,636 B2 (reference 3).

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Therefore, a copy of U.S. Serial No. 10/323,314 is not attached hereto. However, in accordance with 37 C.F.R. §1.98(a)(2)(iii), a copy of the claims allowed in U.S. Serial No. 10/323,314 is attached hereto as Exhibit 5.

References 6 and 7 are cumulative to each other since each contains an identical disclosure. Therefore, a copy of reference 7 is not enclosed.

References 8 and 9 are cumulative to each other since each contains an identical disclosure. Therefore, a copy of reference 9 is not enclosed.

References 11 and 12 are cumulative to each other since each contains an identical disclosure. Therefore, a copy of reference 12 is not enclosed.

References 17, 18 and 19 are cumulative to each other since each contains an identical disclosure except that reference 19 contains an additional paragraph at the beginning of the application claiming the benefit of an earlier application, U.S. Provisional Application No. 60/112,532 (reference 18), and also provides the ATCC Accession Number for the PA10 antibody, which Accession Number is not provided in references 17 and 18. Therefore, copies of references 17 and 18 are not enclosed.

References 25 and 26 are cumulative to each other since each contains an identical disclosure. Therefore, a copy of reference 26 is not enclosed.

U.S. Serial No. 10/763,545, filed January 23, 2004, is a continuation of the subject application. Therefore, a copy of U.S. Serial No. 10/763,545 is not attached hereto. However, in accordance with 37 C.F.R. §1.98(a)(2)(iii), a copy of the claims

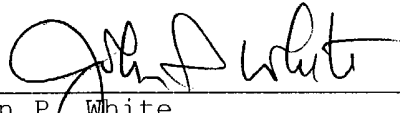
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pending in U.S. Serial No. 10/763,545 is attached hereto as Exhibit 24.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Pursuant to 37 C.F.R. §1.97(b)(4), no fee, other than the enclosed \$130.00 Petition fee and \$385.00 filing fee for an RCE, is deemed necessary in connection with the filing of this Communication and Supplemental Information Disclosure Statement. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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<b>Form PTO-1449</b> <b>U.S. Department of Commerce</b> <b>Patent and Trademark Office</b>  <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)		<b>Att. Docket No.</b> 57906-B/JPW/AJD		<b>Serial No.</b> 09/594,983										
		<b>Applicant(s)</b> William C. Olson and Paul J. Maddon												
		<b>Filing Date</b> June 15, 2000		<b>Group Art Unit</b> 1648										
<b>U.S. PATENT DOCUMENTS</b>														
Examiner Initials	Exh. No.	Document Number							Date	Name	Class	Subclass	Filing Date If Appropriate	
	1	6	1	0	7	0	1	9	08/22/00	Allaway et al.				
	2	6	3	4	4	5	4	5	02/05/02	Allaway et al.				
	3	6	5	4	8	6	3	6	04/15/03	Dragic et al.				
	4	Pending claims in 09/888,938								Allaway et al.			06/25/01	
	5	Allowed claims in 10/323,314								Dragic et al.			12/19/02	
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	10	08	8	7	4	5	7	0		Allaway et al.			06/13/97	
<b>FOREIGN PATENT DOCUMENTS</b>														
		Document Number							Date	Country	Class	Subclass	Translation	
		Yes	No											
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	32	0	1	6	4	7	1	0	09/07/01	PCT				
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>														
<b>EXAMINER</b>									<b>DATE CONSIDERED</b>					
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.														

<b>Form PTO-1449</b> <b>U.S. Department of Commerce</b> <b>Patent and Trademark Office</b>  <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)		<b>Atty. Docket No.</b> 57906-B/JPW/AJD		<b>Serial No.</b> 09/594,983										
		<b>Applicant(s)</b> William C. Olson and Paul J. Maddon												
		<b>Filing Date</b> June 15, 2000		<b>Group Art Unit</b> 1648										
<b>U.S. PATENT DOCUMENTS</b>														
Examiner Initials	Exh. No.	Document Number							Date	Name	Class	Subclass	Filing Date If Appropriate	
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	13	Pending claims in 09/852,238								Allaway et al.			05/09/01	
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	25	Pending claims in 09/460,216								Allaway et al.			12/13/99	
<b>FOREIGN PATENT DOCUMENTS</b>														
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													Yes	No
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	36	0	3	0	7	2	7	6	6	09/04/03	PCT			
<b>EXAMINER</b>									<b>DATE CONSIDERED</b>					
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.														